



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

October 23, 1997

### **H.R. 992**

### **Tucker Act Shuffle Relief Act of 1997**

*As ordered reported by the House Committee on the Judiciary on October 7, 1997*

H.R. 992 would grant jurisdiction over certain claims against the United States to both the U.S. Court of Federal Claims and U.S. district courts. Specifically, the bill would give these courts the authority to adjudicate all claims against the government arising from actions of federal agencies that are alleged to take private property in violation of the U.S. Constitution. Plaintiffs would choose which court would hear their claim, and either court would have the power to grant monetary or any other relief (such as an injunction).

Based on information provided by a number of federal and private legal authorities, CBO estimates that enacting H.R. 992 would have no significant effect on the budget because its provisions would not affect the outcome of complaints or cause any material change in the caseload of the federal court system. Only a small percentage of lawsuits brought against the United States in any given year involve takings of property, and the number of these that go to trial is smaller still. It is unclear whether the bill would have any effect on the outcome or the number of such suits. The bill could result in earlier decisions in some proceedings, which may change the timing of federal court and agency costs, but we expect that such effects would be minimal.

Section 4 of the Unfunded Mandates Reform Act of 1995 excludes from application of that act legislative provisions that enforce constitutional rights of individuals. Because the changes to federal jurisdiction over property rights cases could involve the enforcement of certain individual constitutional rights, S. 992 may be excluded. In any event, because the changes only affect federal court procedures, the bill would not impose any enforceable duties on state, local, or tribal governments or the private sector.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.